

Express Mail No. ER 248807220 US

Docket No. 20722 US1 C038435/0175476

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Rule 1.53(b) Divisional Application of: )  
Beat FLUEHMANN *et al.* ) Parent Examiner: K. Weddington  
Parent Serial No.: 09/915,152 ) Parent Art Unit: 1614  
Parent Filed: July 25, 2001 )  
For: **PHYTANIC ACID DERIVATIVE** )  
**COMPOSITIONS AND METHOD OF** )  
**TREATING AND/OR PREVENTING** )  
**DIABETES MELLITUS** )

New York, New York  
January 27, 2004

**PRELIMINARY AMENDMENT**

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Prior to examination on the merits, please enter the amendment set forth below. Because this Preliminary Amendment is being filed concurrently with the above-identified application, no fee is believed due. If, however, a fee is due, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

Please amend the application as follows:

**AMENDMENTS TO THE SPECIFICATION** begin on page 3 of this paper.

**AMENDMENTS TO THE CLAIMS** are reflected in the listing of claims, which begins on page 4 of this paper.

**REMARKS** begin on page 8 of this paper.